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Draft: June 27, 2019

GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT RENEWAL
Issued under 20.6.2 NMAC

Facility Name:	West Mesa Industrial Park Wastewater Treatment Facility
Discharge Permit Number:	DP-1174
Facility Location:	999 Crawford Road Las Cruces, NM
Permittee Name/Responsible Party:	Dr. Jorge Garcia, Utilities Director
Mailing Address:	Las Cruces Utilities-City of Las Cruces P.O. Box 20000 Las Cruces, NM 88004-9002
Facility Contact: Telephone Number/Email:	Lorenzo Martinez, Plant Manager (575) 528-3599/lm@los-cruces.org
County:	Doña Ana
Permitting Action:	Renewal
Permit Effective Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact: Telephone Number/Email:	Gerald Knutson (505) 827-2996/gerald.knutson@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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GROUND WATER DISCHARGE PERMIT RENEWAL
West Mesa Industrial Park Wastewater Treatment Facility, DP-1174

Draft: June 27, 2019

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1174, to the City of Las Cruces (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from West Mesa Industrial Park Wastewater Treatment Facility (facility) into ground and surface water, so as to protect ground and surface water for present and potential future use as domestic and agricultural water supply and other uses, and protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality, and flow characteristics of the discharge are briefly described as follows.

Up to 400,000 gallons per day (gpd) of domestic and industrial wastewater is received and treated using a synthetically lined impoundment treatment system. Treated wastewater is discharged to a surface disposal area.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The facility is located at 999 Crawford Road, approximately seven miles west of Las Cruces, in Section 35, Township 23S, Range 01W, Dona Aña County. The surface disposal area is located in Section 2, Township 24S, Range 01W, Doña Ana County. Groundwater most likely to be affected is at a depth of approximately 318 feet and has a total dissolved solids concentration of approximately 687 milligrams per liter.

The original Discharge Permit was issued on January 2, 1998, and subsequently modified on April 28, 2000, renewed on June 1, 2003, renewed and modified on September 16, 2009, and renewed on September 11, 2014. The application (i.e., discharge plan) consists of the materials submitted by the permittee dated March 26, 2019, and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state, and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation		Abbreviation	Explanation
CFR	Code of Federal Regulations		NMED	New Mexico Environment Department
CFU	Colony Forming Unit		NMSA	New Mexico Statutes Annotated
Cl	chloride		NO_3-N	nitrate-nitrogen
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LADS	land application data sheet(s)		total nitrogen	= TKN + NO_3-N
mg/L	milligrams per liter		WQA	New Mexico Water Quality Act
MPN	Most Probable Number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to receive and treat up to 400,000 gpd of domestic and industrial wastewater using a synthetically lined impoundment treatment system. Treated wastewater is stored in a synthetically lined storage impoundment and then discharged to a 90-acre surface disposal area.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	**Terms and Conditions**
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operating Conditions

#	**Terms and Conditions**
3.	Treated wastewater discharged from the synthetically lined storage impoundment shall not exceed the following discharge limits. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Test	30-day Average	Maximum
Total Nitrogen	**N/A**	**30 mg/L**
Fecal coliform	**1,000 CFU or MPN/100 mL**	**5,000 CFU or MPN/100 mL**
TRC	**Monitor Only**	**Monitor Only**

#	**Terms and Conditions**
4.	The permittee shall apply treated wastewater evenly throughout the entire surface disposal area such that the amount of total nitrogen applied does not exceed 200 pounds per acre in any [rolling] 12-month period. Excessive ponding shall be prevented. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. [Subsection C of 20.6.2.3109 NMAC]
5.	The permittee shall meet the following general requirements for surface disposal of treated wastewater. a) The permittee shall maintain signs indicating that the wastewater discharging to the surface disposal area is not potable. The signs shall be posted at the entrance to the surface disposal area and at other locations where public exposure to treated wastewater may occur. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. b) The disposal of treated wastewater shall not be conducted at times when the disposal area is saturated or frozen. c) The discharge of treated wastewater shall be confined to the disposal area. d) Water supply wells within 200 feet of the disposal area shall have adequate wellhead construction pursuant to 19.27.4 NMAC. The disposal of treated wastewater shall be managed to ensure protection of groundwater quality. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
6.	The permittee shall meet the following setbacks, access restrictions, and equipment requirements for spray disposal of treated wastewater. a) A minimum 500-foot setback shall be maintained between any dwellings or occupied establishments and the edge of the surface disposal area. b) Disposal of treated wastewater shall be postponed at times when windy conditions may result in drift of treated wastewater outside the surface disposal area. c) Access to the surface disposal area shall be restricted by perimeter fencing using four-strand barbed wire and a locking gate, or other access controls approved by NMED. d) Public access shall be prohibited during times when treated wastewater is being applied to the surface disposal area. e) The spray disposal system shall be limited to low trajectory spray nozzles. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
7.	The permittee shall maintain fences around the wastewater treatment facility to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

#	**Terms and Conditions**
8.	The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
9.	The permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundments. Such conditions include or may be characterized by the following: • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs, or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. Vegetation growing around the impoundments shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner. The permittee shall visually inspect the impoundments and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
10.	The permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
11.	The permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment, and disposal systems. The operations and maintenance of all or any part of the wastewater system shall be performed by, or under the direct supervision of, a certified operator.

#	Terms and Conditions
	[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]

B. MONITORING AND REPORTING

#	Terms and Conditions
12.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
13.	METHODOLOGY - Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
14.	Quarterly monitoring shall be performed during the following periods and reports submitted to NMED as follows: • January 1st through March 31st – **due by May 1st;** • April 1st through June 30th – **due by August 1st;** • July 1st through September 30th – **due by November 1st; and** • October 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

#	Terms and Conditions
15.	The permittee shall measure the total monthly volume, calculate the daily average volume, and record the daily peak volume of wastewater received by the treatment facility each month using a Parshall Flume (equipped with head sensing, totalizing and chart recording/data logging mechanisms) located after the facility's headworks. The totalized, average daily, and peak daily discharge volumes for each month shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
16.	The permittee shall measure the monthly volume of treated wastewater discharged from the treatment system to the surface disposal area. The permittee shall obtain readings from a totalizing flow meter located on the transfer line between the synthetically lined storage impoundment and the surface disposal area on a monthly basis and calculate the monthly

#	**Terms and Conditions**
	and average daily discharge volume. The monthly volume discharged shall be used on the land application data sheets (LADS) to calculate nitrogen loading. The monthly meter readings and calculated monthly and average daily discharge volumes shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
17.	All flow meters shall be capable of having their accuracy verified under actual working (field) conditions. A field verification method shall be developed for each flow meter and that method shall be used to check the accuracy of each respective meter. Field calibrations shall be performed upon repair or replacement of a flow measurement device and, at a minimum, on an annual basis. Flow meters shall be calibrated to within plus or minus 10 percent of actual flow, as measured under field conditions. Field calibrations shall be performed by an individual knowledgeable in flow measurement and in the installation/operation of the particular device in use. A flow meter calibration report shall be prepared for each flow measurement device at the frequency calibration is required. The flow meter calibration report shall include the following information. a) The location and meter identification. b) The method of flow meter field calibration employed. c) The measured accuracy of each flow meter prior to adjustment indicating the positive or negative offset as a percentage of actual flow as determined by an in-field calibration check. d) The measured accuracy of each flow meter following adjustment, if necessary, indicating the positive or negative offset as a percentage of actual flow of the meter. e) Any flow meter repairs made during the previous year or during field calibration. The permittee shall maintain records of flow meter calibration(s) at a location accessible for review by NMED during facility inspections. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
18.	The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
19.	The permittee shall collect samples of treated wastewater from the spigot located on the transfer line between the synthetically lined storage impoundment and the surface disposal area on a quarterly basis and analyze the samples for: • total Kjeldahl nitrogen (TKN); • nitrate-nitrogen (NO_3-N); • total dissolved solids (TDS); and • chloride (Cl). Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
20.	During any month that the discharge of treated wastewater occurs, the permittee shall perform the following analyses on treated wastewater samples collected from the spigot located on the transfer line between the synthetically lined storage impoundment and the surface disposal area using the following sampling method and frequency: • Fecal coliform: grab sample at peak daily flow once per month; and • TRC concentrations: record whenever bacteria samples are collected. Samples shall be properly prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results and a copy of the log of TRC concentrations shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsections B, C and H of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
21.	Within one year of the date of this Discharge Permit (**by DATE**), the permittee shall collect a composite sample of treated wastewater from the synthetically lined storage impoundment. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample shall be analyzed for the following inorganic contaminants (dissolved fraction, except as noted): • aluminum (CAS 7429-90-5) • antimony (CAS7440-36-0) • arsenic (CAS 7440-38-2) • barium CAS 7440-39-3 • beryllium (CAS 7440-41-7) • molybdenum (CAS 7439-98-7) • total mercury (non-dissolved fraction or nonfiltered) (CAS 7439-97-6) • pH (instantaneous)

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	• boron (CAS 7440-42-8) • cadmium (CAS 7440-43-9) • chromium (CAS 7440-47-3) • cobalt (CAS 7440-48-4) • copper (CAS 7440-50-8) • cyanide CAS 57-12-5) • fluoride (CAS 16984-48-8) • iron (CAS 7439-89-6) • lead (CAS 7439-92-1) • manganese (CAS7439-96-5) • nickel (CAS 7440-02-0) • radioactivity: combined radium-226 & radium-228 (CAS 15262-20-1) • selenium (7782-49-2) • silver (CAS 7440-224) • sulfate (CAS 14808-79-8) • thallium (7440-28-0) • uranium (CAS 7440-61-1) • zinc (CAS 7440-66-6) Samples shall be properly collected, prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Reporting limits shall be less than the corresponding numerical ground water standards identified in 20.6.2.3103 NMAC. A summary of detected concentrations compared with the corresponding ground water standards, and a copy of the laboratory report, including the analytical results and Quality Control/Quality Assurance information, shall be submitted to NMED in the monitoring report due by DATE. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
22.	Within one year of the date of this Discharge Permit (**by DATE**), the permittee shall collect a composite sample of treated wastewater from the synthetically line storage impoundment. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample shall be analyzed for the following organic contaminants: • atrazine (CAS 1912-24-9) • benzene (CAS 71-43-2) • benzo-a-pyrene (CAS 50-32-8) • carbon tetrachloride (CAS 56-23-5) • chloroform (CAS 67-66-3) • 1,2-dichlorobenzene (CAS 95-50-1) • 1,4-dichlorobenzene (CAS 106-46-7)) • 1,1-dichloroethane (CAS 75-34-3) • ethylene dibromide (EDB, CAS 106-93-4)methylene chloride (CAS 75-09-2) • PAHs: total naphthalene (CAS 91-20-3) plus monomethylnaphthalenes phenols • polychlorinated biphenyls (PCBs, CAS 1336-36-3)) • pentachlorophenol (CAS 87-86-5) • toluene (CAS 108-88-3) • styrene (CAS 100-42-5)

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	• 1,2-dichloroethane (EDC, CAS 107-06-2) • 1,1-dichloroethene (1,1-DCE, CAS 75-35-4) • cis-1,2-dichloroethene (CAS 156-59-2) • trans-1,2-dichloroethene (CAS 156-60-5) • 1,2-dichloropropane (PDC, CAS 78-87-5) • 1,4-dioxane (CAS 123-91-1) (using EPA Method 8270D-SIM) • ethylbenzene (CAS 100-41-4) • 1,1,2,2-tetrachloroethane (79-34-5) • tetrachloroethene (PCE, CAS 127-18-4) • 1,2,4-trichlorobenzene (CAS 120-82-1) • 1,1,1-trichloroethane (1,1,1-TCA, CAS 71-55-6) • 1,1,2-trichloroethane (CAS 79-00-5) • trichloroethene (TCE, 79-01-6)) • vinyl chloride (CAS 75-01-4) • total xylenes (CAS 1330-20-7) Samples shall be properly collected, prepared, preserved, transported, and analyzed in accordance with the methods authorized in this Discharge Permit. Reporting limits shall be less than the corresponding numerical ground water standards identified in 20.6.2.3103 NMAC. The reporting limit for 1,4-dioxane shall be less than the Tap Water Screening Level for 1,4-dioxane identified in the *NMED Risk Assessment Guidance for Site Assessments and Investigations*, Table A-1 (available on the NMED Hazardous Waste Bureau's website under Guidance Documents). A summary of detected concentrations compared with the corresponding ground water standards, and a copy of the laboratory report, including the analytical results and Quality Control/Quality Assurance information, shall be submitted to NMED in the monitoring report due by DATE. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
23.	The permittee shall complete LADS (copy enclosed) on a monthly basis that document the amount of nitrogen applied to the surface disposal area during the most recent 12 months. The LADS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the surface disposal area for each month. The LADS shall be completed with information above or shall include a statement that application of wastewater did not occur. The LADS shall be submitted to NMED in the quarterly monitoring reports. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
24.	In the event that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded in groundwater as a result of this discharge during the term of this Discharge Permit, upon closure of the facility, or during the implementation of post-closure requirements, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED. The permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108, and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
25.	In the event that analytical results of a quarterly treated wastewater sample indicate an exceedance of the total nitrogen discharge limit set in this Discharge Permit, the permittee shall collect and submit for analysis a second sample within 48 hours of the receipt of the initial sampling results. In the event the second sample results indicate that the discharge limit is continuing to be exceeded, the following contingency plan shall be enacted. a) Within 7 days of the second sample analysis date indicating that the discharge limit is continuing to be exceeded, the permittee shall: i) notify NMED that the contingency plan is being enacted; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. b) The permittee shall increase the frequency of total nitrogen wastewater sampling and analysis of treated wastewater to once per month. c) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. d) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days of correction. e) In the event that any analytical results from monthly wastewater sampling indicate an exceedance of the total nitrogen discharge limit, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve the total nitrogen limit by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days of receipt of the analytical results of the second sample date indicating that the discharge limit is continuing to be exceeded. The permittee shall initiate implementation of the Plan following approval by NMED.

#	**Terms and Conditions**
	When analytical results from three consecutive months of wastewater sampling do not exceed the discharge limit, the permittee is authorized to return to a quarterly monitoring frequency. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
26.	In the event that analytical results of a treated wastewater sample indicate an exceedance of the maximum discharge limit for fecal coliform bacteria set by this Discharge Permit, the permittee shall collect and submit for analysis a second sample within 24 hours after becoming aware of the exceedance. In the event the second sample results indicate that any maximum discharge limit is continuing to be exceeded (i.e., confirmed exceedance), the contingency plan below shall be enacted. **AND / OR** In the event that analytical results of a treated wastewater sample indicate an exceedance of the 30-day average discharge limits for fecal coliform bacteria set by this Discharge Permit (i.e., confirmed exceedance), the contingency plan below shall be enacted. <u>Contingency Plan</u> a) Within 48 hours of becoming aware of a confirmed exceedance (as identified above), the permittee shall: i) notify NMED that the contingency plan is being enacted; and ii) submit copies of the recent analytical results indicating an exceedance to NMED. b) The permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures. c) The permittee shall conduct a physical inspection of the treatment system to detect abnormalities. Any abnormalities discovered shall be corrected. A report detailing the corrections made shall be submitted to NMED within 30 days following correction. If a facility is required to enact the contingency plan more than two times in a 12-month period, the permittee shall propose to modify operational procedures and/or upgrade the treatment process to achieve consistent compliance with the maximum and 30-day average discharge limits by submitting a Corrective Action Plan for NMED approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 60 days following receipt of the analytical results confirming the exceedance. The permittee shall initiate implementation of the Plan following approval by NMED. Additional sampling of any stored reclaimed domestic wastewater may be required by NMED in response to the submitted Corrective Action Plan. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

#	**Terms and Conditions**
27.	In the event that the LADS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the surface disposal area by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
28.	In the event that inspection findings reveal significant damage likely to affect the structural integrity of a lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan to NMED for approval. The Plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
29.	In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard. In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the Plan following approval by NMED. In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term Corrective Action Plan submitted to NMED within 90 days following failure of the short-term Corrective Action Plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and implementation of the Plan shall be initiated following approval by NMED. [Subsection A of 20.6.2.3107 NMAC]

#	**Terms and Conditions**
30.	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information. a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]

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31.	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Permanent Facility Closure Conditions

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32.	In the event the facility, or a component thereof, is proposed to be permanently closed, the permittee shall perform the following closure measures. Within 60 days of ceasing to discharge to the impoundment(s), the line leading to the impoundment(s) shall be plugged so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundment(s), wastewater shall be evaporated or drained from the impoundment(s) and any other wastewater system components and disposed of in accordance with all local, state, and federal regulations or discharged from the impoundment(s) and any other wastewater system components to the surface disposal area, as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment(s) to the surface disposal area is prohibited. Within 90 days of ceasing to discharge to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information. a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment(s) for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method of sludge *removal* from the impoundment(s). d) The method of *disposal* for all of the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting*

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	requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit. e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. Within <u>one year</u> following completion of the sludge removal and disposal, the permittee shall complete the following closure measures. a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place. b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage, and prevent ponding. c) Perforate or remove the impoundment liner(s). d) Fill the impoundment(s) with suitable fill. e) Re-grade the impoundment site to blend with surface topography, promote positive drainage, and prevent ponding. When all closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

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33.	RECORD KEEPING - The permittee shall maintain a written record of the following: • information and data used to complete the application for this Discharge Permit; • any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • the operation, maintenance, and repair of all facilities/equipment used to treat, store, or dispose of wastewater; • facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer; • copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • the volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;

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	• copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit; • the maintenance, repair, replacement, or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including the following: o the dates, location, and times of sampling or field measurements; o the name and job title of the individuals who performed each sample collection or field measurement; o the sample analysis date of each sample; o the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; o the analytical technique or method used to analyze each sample or collect each field measurement; o the results of each analysis or field measurement, including raw data; o the results of any split, spiked, duplicate, or repeat sample; and o a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
34.	INSPECTION and ENTRY - The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may, upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC. The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling, or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state, or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]

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35.	DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
36.	MODIFICATIONS and/or AMENDMENTS - In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated, or discharged by the facility, the permittee shall notify NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
37.	PLANS and SPECIFICATIONS - In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1st and June 30th of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
38.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any

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	objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
39.	CRIMINAL PENALTIES - No person shall: • make any false material statement, representation, certification, or omission of material fact in an application, record, report, plan, or other document filed, submitted or required to be maintained under the WQA; • falsify, tamper with, or render inaccurate any monitoring device, method, or record required to be maintained under the WQA; or • fail to monitor, sample, or report as required by a permit issued pursuant to a state or federal law or regulation. Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
40.	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits, or orders. [NMSA 1978, § 74-6-5.L]
41.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]

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42.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]
43.	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with <u>issuance</u> of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]